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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,432	12/28/2000	Lynh Nguyen	ST9-99-134US2	7994

23373 7590 01/31/2007		EXAMINER
SUGHRUE MION, PLLC		
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SUITE 800		
WASHINGTON, DC 20037	ART UNIT	PAPER NUMBER
	2152	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/750,432	NGUYEN, LYNH
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 November 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-14,16-25 and 28-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5-14, 16-25 and 28-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1>   This action is in response to Applicant's request for continued examination, filed

11.17.2006. Claims 1, 14 and 25 are amended. Claims 1-3, 5-14, 16-25 and 28-36 are presented for

further examination.

2>   This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3>   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant

to 37 CFR 1.114. Applicant's submission filed on 11.17.2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4>   Claims 1-4, 8, 10-15, 19, 21-27, 31 and 33-36 are rejected under 35 U.S.C. 103(a) as being

anticipated by Polizzi et al U.S. Patent Publication No. 2002|0023158 ["Polizzi"], in view of

Lamberton et al, U.S Patent No. 6.779.017 ["Lamberton"].

5>   Regarding claims 1, 8, 19 and 31, Polizzi discloses a method, apparatus and program

product (hereinafter a "system") comprising:

providing at least one interface module to interface with a remote application (105, fig.

1);

providing port module to interface between interface module and data source (agent,

130, fig. 1);

providing a connection manager to facilitate between the interface module and port

module (service broker 125 fig. 1; paragraph. 21).

Polizzi does not expressly disclose connecting directly the interface module and the

port module for communicating independently from the connection manager in subsequent

communications.

6>   Lamberton discloses a system whereby a load balancer is responsible for facilitating

connections between a user's remote application and a data source such as a server [column 6

«lines 9-20»]. Much like Applicant's claimed connection manager, Lamberton's load

balancer's sole purpose is to select an appropriate data source and then facilitates a connection

between the remote application and data source such that they can communicate

independently of the load balancer [column 6 «lines 36-48»]. That is, after the connection has

been facilitated, the user and the data source may connect directly with one another,

independent of the load balancer [column 9 «lines 5-17»].

It would have been obvious to one ordinary skill in the art to modify Polizzi's system

to incorporate Lamberton's teachings of utilizing a manager to facilitate the initial

connection to a data source but bypassing the manager on subsequent communications;

specifically the combination would enable direct communications between Polizzi's network

interface and agents independent of the service broker, freeing the service broker to provide

capability of handling more requests to the data source [see Lamberton, column 6 «lines 48-

56»]. Such a modification in Polizzi's system would provide substantial improvement in

Polizzi's service broker, as evidenced by the reduction in workload of Lamberton's load

balancer. Polizzi's service broker and Lamberton's load balancer are analogous as they both

responsible for establishing connections between user and remote applications [see Polizzi,

0021 & Lamberton, column 6 «lines 36-48»].

7>   Regarding claims 2-3, 10, 14, 21, 25 and 33, Polizzi, further, teaches a log containing an

arbitrary set of parameters to reflect connection between remote application and data sources

(paragraph. 61).

8>   Regarding claims 11, 22 and 34, Polizzi discloses the parameter lists include data and

time (paragraph 61).

9>   Regarding claims 12, 23 and 35, Polizzi discloses the parameters are arranged in

hierarchical relation (Fig. 5).

10>   Regarding claims 13, 24 and 36, Polizzi discloses one parameter relates to output device

(database server, Fig. 6).

11>   Claims 5-7, 9, 16-18, 20, 28-30 and 32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Polizzi and Lamberton.

12>   Regarding claims 5, 16 and 28, Polizzi discloses the invention substantially, as claimed,

as described, including but does not explicitly discloses closes the group of parameter

consisting of a present SQL request, a warning message, an error message, a date, a time, a

previous SQL request, a feature database schema and a number of records. However,

including, various parameters in a group of parameter would have been obvious to one of

ordinary skill in the art that was matter of design choice, which inclusion of parameters is

dictated by objective or the applications.

13>   Regarding claims 6-7, 17-18 and 29-30, Polizzi discloses the system substantially,

including log file contain parameters, Even though Polizzi does not explicitly discuss about

reducing processing time by limiting number of parameter selected and reflected history by

expanding type and number of parameter. However, such claimed feature is either inherent

or implied a by-product of the system that capable of maintaining log file. Thus to expand

history of interaction with number and type of parameter and limited processing time by

controlling number of selecting parameters would have been obvious to one of ordinary skill

in the art that was a matter of implementations choice, does not require any inventive step

beside having a user to specify number and type of parameters. Such specifying, in fact,

routinely user in searching sorting filtering data, record from all forms of database.

14>   Regarding claims 9, 20, 32, Polizzi discloses the invention substantially, as claimed, as

described, including hosting interface module is separate computer from data source. Polizzi

does not explicitly disclose the interface is hosted in the data source computer. However,

relocating interface module from other computer to data source computer is merely a part

rearranging parts, which does not modify operation of the device, i.e., no matter where the

interface module located it's connectivity to the port module still is being control by

connection manager, which court held that is unpatentable. *In re Japikse*, 18 F.2d 1019,86

USPQ 70 (CCPA 1950).

15>   Claims 1-4, 8, 10-15, 19, 21-27, 31 and 33-36 are rejected under 35 U.S.C. 103(a) as being

anticipated by Polizzi et al U.S. Patent Publication No. 2002|0023158 ["Polizzi"], in view of

Albert et al, U.S Patent No. 6.970.913 ["Albert"].

16>   Regarding claims 1, 8, 19 and 31, Polizzi discloses a method, apparatus and program

product (hereinafter a "system") comprising:

providing at least one interface module to interface with a remote application (105, fig. 1);

providing port module to interface between interface module and data source (agent, 130, fig. 1);

providing a connection manager to facilitate between the interface module and port module (service broker 125 fig. 1; paragraph. 21).

Polizzi does not expressly disclose connecting directly the interface module and the port module for communicating independently from the connection manager in subsequent communications.

17>   Albert discloses a system whereby a service manager is responsible for facilitating connections between a user's remote application and a data source such as a server [abstract]. Much like Applicant's claimed connection manager, Albert's service manager selects an appropriate data source and then facilitates a connection between the remote application and data source such that they can communicate independently of the load balancer [column 7 «lines 7-30»]. That is, after the connection has been facilitated, the user and the data source may connect directly with one another, independent of the service manager [Figure 2A | Figure 3A | Figure 3B | column 9 «lines 54-62» where : the service managers are not connected to the data source but merely facilitate the connection between the agent and the data source]. Albert's service manager merely facilitates the connection between the user's remote application and the data source.

It would have been obvious to one ordinary skill in the art to modify Polizzi's system

to incorporate Albert's teachings of utilizing a service manager to facilitate the initial

connection to a data source but bypassing the manager on subsequent communications;

specifically the combination would enable direct communications between Polizzi's network

interface and agents independent of the service broker, freeing the service broker to provide

capability of handling more requests to the data source. Such a modification in Polizzi's

system would provide substantial improvement in Polizzi's service broker by providing a

feedback mechanism to better select appropriate data sources [see Albert, column 4 «lines 7-

18»]. Polizzi's service broker and Brendel's load balancer are analogous as they both

responsible for establishing connections between user and remote applications [see Polizzi,

0021 & Albert, column 4 «lines 52-65»].

18>   Regarding claims 2-3, 10, 14, 21, 25 and 33, Polizzi, further, teaches a log containing an

arbitrary set of parameters to reflect connection between remote application and data sources

(paragraph. 61).

19>   Regarding claims 11, 22 and 34, Polizzi discloses the parameter lists include data and

time (paragraph 61).

20>   Regarding claims 12, 23 and 35, Polizzi discloses the parameters are arranged in

hierarchical relation (Fig. 5).

21>   Regarding claims 13, 24 and 36, Polizzi discloses one parameter relates to output device (database server, Fig. 6).

22>   Claims 5-7, 9, 16-18, 20, 28-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polizzi and Albert.

23>   Regarding claims 5, 16 and 28, Polizzi discloses the invention substantially, as claimed, as described, including but does not explicitly discloses closes the group of parameter consisting of a present SQL request, a warning message, an error message, a date, a time, a previous SQL request, a feature database schema and a number of records. However, including, various parameters in a group of parameter would have been obvious to one of ordinary skill in the art that was matter of design choice, which inclusion of parameters is dictated by objective or the applications.

24>   Regarding claims 6-7, 17-18 and 29-30, Polizzi discloses the system substantially, including log file contain parameters, Even though Polizzi does not explicitly discuss about reducing processing time by limiting number of parameter selected and reflected history by expanding type and number of parameter. However, such claimed feature is either inherent or implied a by-product of the system that capable of maintaining log file. Thus to expand history of interaction with number and type of parameter and limited processing time by controlling number of selecting parameters would have been obvious to one of ordinary skill in the art that was a matter of implementations choice, does not require any inventive step

beside having a user to specify number and type of parameters. Such specifying, in fact,

routinely user in searching sorting filtering data, record from all forms of database.

25>   Regarding claims 9, 20, 32, Polizzi discloses the invention substantially, as claimed, as

described, including hosting interface module is separate computer from data source. Polizzi

does not explicitly disclose the interface is hosted in the data source computer. However,

relocating interface module from other computer to data source computer is merely a part

rearranging parts, which does not modify operation of the device, i.e., no matter where the

interface module located it's connectivity to the port module still is being control by

connection manager, which court held that is unpatentable. *In re Japikse*, 18 F.2d 1019,86

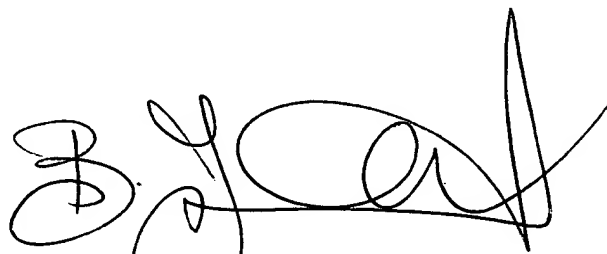USPQ 70 (CCPA 1950).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

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SUPERVISORY PATENT EXAMINER